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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,851	12/03/2001	Monica A. McClintic	4980US (01-01-102)	2761

7590 10/31/2003

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EXAMINER
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JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 10/31/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/005,851

Applicant(s)

MCCLINTIC, MONICA A.

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 39 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,12,14-22,24-28,31 and 33-38 is/are rejected.
- 7) ☒ Claim(s) 4,10,11,13,23,29,30 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/11/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 39 and 40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 7.

2. Applicant's election without traverse of Group I, claims 1-38, in Paper No. 7 is acknowledged.

### *Drawings*

3. The drawings are objected to because a portion of gaming device box 10<sup>N</sup> in figure 2A is missing.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Page 10, paragraphs [0032] and [0033], and page 11, paragraph [0036] refer to touch screen (32t), however, touch screen is labeled (32) in figure 2.
- Page 14, paragraph [0041] refers to area (426) between the outer and inner periphery being highlighted to indicate the selected symbol, however, the examiner believes applicant was referring to reference numeral (427) in figure 6C.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- In figure 5, the lemon symbol is referred to as item (141).

Art Unit: 3713

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

- In figures 1 and 2, reference character (32) has been used to designate both a push button and a touch screen (Please see MPEP § 608.02(e)).
- In figures 6A-6F, reference characters (400, 402, 404, 406, 408, 410, 412, 414, and 442) have been used to designate various modifications of different symbol carriers (Please see MPEP § 608.02(e)).
- In figures 4 and 8, reference characters (200, 202, 204, 206, 208, and 210) have been used to designate various modifications of different symbol carriers (Please see MPEP § 608.02(e)).
- In figures 7 and 8, reference characters (212, 214, and 216) have been used to designate various modifications of different symbol carriers (Please see MPEP § 608.02(e)).

7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

8. The disclosure is objected to because of the following informalities:

- On page 8, paragraph [0023], “Fig. 34” should be “Fig. 3”.
- A brief description of Fig. 6F is not given on page 8, paragraph [0026].
- On page 10, paragraph [0033], “meter” is misspelled “mete”.
- On page 10, paragraph [0034], “controlling” is misspelled “controilling”.
- On page 17, paragraph [0050], “AS” should be “As”.

Art Unit: 3713

Correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 5, 9, 12, 14-22, 24, 28, 31, and 33-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Luciano et al. (U.S. 6,561,512).

Luciano et al. discloses a gaming device and method for a multi-wheel game of chance having at least two groups of spinning wheels having a viewable surface with a plurality of indicia thereon. All indicia on each wheel are viewable by the player. Furthermore, Luciano et al. discloses multiple paylines which may consist of combinations of indicia from one, two, or more groups of spinning wheels. Paylines that span more than one wheel can be linear, non-linear, or in the case of three or more groups of wheels can form a geometrical shape, such as, a triangle. Additionally, Luciano et al. discloses:

Regarding Claim 1:

- a gaming apparatus configured for randomly generating an arrangement comprising a plurality of symbols selected from a preselected plurality of different symbols and associating a plurality of pay lines, each pay line comprising a plurality of designated symbol positions, with the randomly generated arrangement to determine a game

Art Unit: 3713

outcome for each pay line (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 26-61, and claim 1); and

- a display device configured for displaying the randomly generated arrangement of symbols in a display comprising a plurality of mutually spaced apart symbol carriers, each perceptibly and individually rotatable about a separate axis substantially transverse to a plane of the display between an initial stationary position and a final stationary position, each symbol carrier bearing a plurality of symbols, the gaming apparatus configured to control perceived rotation of each of the symbol carriers to place, in the final stationary position, at least one symbol of each symbol carrier at a designated symbol position of at least one pay line of the plurality of pay lines (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 26-61, column 5, line 1-column 6, line 45, and claim 1).

Regarding Claims 2 and 21:

- the display device is configured to provide a substantially continuous display of all symbols of each symbol carrier between the initial stationary position and the final stationary position (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 29-32, and claim 1).

Regarding Claims 3 and 22:

- the gaming apparatus is configured to provide a display of the plurality of symbol carriers translationally moving as a group (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 29-32, and claim 1).

Art Unit: 3713

Regarding Claims 5 and 24:

- the display device is either a video monitor or an electromechanical display (Column 5, lines 1-20).

Regarding Claims 9 and 28:

- the plurality of symbol carriers is divided into at least two groups, at least some pay lines are associated with one of the at least two groups and at least some other pay lines are associated with at least another of the at least two groups (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 26-61, column 5, line 1-column 6, line 45, and claim 1).

Regarding Claims 12 and 31:

- the plurality of symbol carriers is divided into at least two groups and at least some pay lines are associated with at least one symbol carrier of at least one of the at least two groups and at least one other symbol carrier of at least another group of the at least two groups (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 26-61, column 5, line 1-column 6, line 45, and claim 1).

Regarding Claims 14 and 33:

- at least some pay lines of the plurality are nonlinear (Column 6, lines 54-56).

Regarding Claims 15 and 34:

- at least some of the nonlinear pay lines comprise geometric shapes (Figs. 3, 15, 17-19, and column 2, lines 55-61).

Regarding Claims 16, 20, and 35-37:

- a gaming apparatus configured for randomly generating an arrangement comprising a plurality of symbols selected from a preselected plurality of different symbols and

Art Unit: 3713

associating a plurality of pay lines, each pay line comprising a plurality of designated symbol positions, with the randomly generated arrangement and determining a game outcome for each pay line (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 26-61, and claim 1); and

- a display device configured for displaying the randomly generated arrangement of symbols in a display comprising a plurality of mutually spaced apart symbol carriers each bearing a plurality of symbols, each symbol carrier having associated therewith at least one indicator perceptibly and individually movable between symbols on the associated symbol carrier substantially in a plane of the display between an initial stationary indicator position and a final stationary indicator position, wherein the gaming apparatus is configured to control perceived movement of each of the indicators to place, in the final stationary indicator position, the at least one indicator associated with each symbol carrier at a position to indicate a symbol for use at a designated symbol position of at least one pay line of the plurality of pay lines (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 26-61, column 5, line 1-column 6, line 45, and claim 1).

Regarding Claim 17:

- the plurality of symbols of each symbol carrier is arranged in a circle, and the gaming apparatus is configured to control perceptible rotational movement of the at least one indicator associated with each symbol carrier around the circle (Claim 1).



Art Unit: 3713

Regarding Claim 18:

- the plurality of symbols of each symbol carrier is mutually spaced, and the gaming apparatus is configured to control perceptible random movement of the at least one indicator associated with each symbol carrier between symbols thereof (Figs. 2, 3, 11a, 11b, 13-19, column 2, lines 26-61, column 5, line 1-column 6, line 45, and claim 1).

Regarding Claims 19 and 38:

- the plurality of symbols of each symbol carrier comprises a linear arrangement of symbols thereon and the gaming apparatus is configured to control perceptible linear movement of the at least one indicator associated with each symbol carrier between symbols thereof (Column 6, lines 1-14). In a single group wager, first group (240) is won when predetermined symbols or indicia line up along the respective pay line on the first wheel (242), the second wheel (244), and the third wheel (246) to form a linear winning combination, as shown in figure 2.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-8 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano et al. (U.S. 6,561,512) in view of Wain (EP 0,060,019).

Art Unit: 3713

Luciano et al. discloses that as discussed above regarding Claims 1-3, 5, 9, 12, 14-22, 24, 28, 31, and 33-38. However, Luciano et al. seems to lack explicitly disclosing:

Regarding Claim 6:

- the gaming apparatus is configured to enable alteration of position of at least one symbol on at least one symbol carrier of the plurality.

Regarding Claim 7:

- the gaming apparatus is configured to enable transposition of at least two symbols on at least one symbol carrier of the plurality.

Regarding Claim 8:

- the gaming apparatus is configured to enable player selection of at least one symbol for placement on at least one symbol carrier of the plurality.

Regarding Claim 25:

- enabling alteration of a position of at least one symbol on at least one symbol carrier of the plurality prior to inception of play.

Regarding Claim 26:

- enabling transposition of at least two symbols on at least one symbol carrier of the plurality prior to inception of play.

Regarding Claim 27:

- enabling player selection of at least one symbol for placement on at least one symbol carrier of the plurality prior to inception of play.

Art Unit: 3713

Wain, like Luciano et al., teaches of a coin operated gaming machine of chance wherein a player can win a predetermined award based on a combination of randomly selected symbols.

Therefore, Wain and Luciano et al. are analogous art. Wain additionally teaches:

Regarding Claim 6:

- the gaming apparatus is configured to enable alteration of position of at least one symbol on at least one symbol carrier of the plurality (Abstract, figs. 2-3, page 2, lines 12-34, page 3, lines 17-22, page 3, line 34-page 4, line 11, and page 6, lines 21-25).

Regarding Claim 7:

- the gaming apparatus is configured to enable transposition of at least two symbols on at least one symbol carrier of the plurality (Abstract, figs. 2-3, page 2, lines 12-34, page 3, lines 17-22, page 3, line 34-page 4, line 11, and page 6, lines 21-25).

Regarding Claim 8:

- the gaming apparatus is configured to enable player selection of at least one symbol for placement on at least one symbol carrier of the plurality (Abstract, figs. 2-3, page 2, lines 12-34, page 3, lines 17-22, page 3, line 34-page 4, line 11, and page 6, lines 21-25).

Regarding Claim 25:

- enabling alteration of a position of at least one symbol on at least one symbol carrier of the plurality prior to inception of play (Abstract, figs. 2-3, page 2, lines 12-34, page 3, lines 17-22, page 3, line 34-page 4, line 11, and page 6, lines 21-25).

Art Unit: 3713

Regarding Claim 26:

- enabling transposition of at least two symbols on at least one symbol carrier of the plurality prior to inception of play (Abstract, figs. 2-3, page 2, lines 12-34, page 3, lines 17-22, page 3, line 34-page 4, line 11, and page 6, lines 21-25).

Regarding Claim 27:

- enabling player selection of at least one symbol for placement on at least one symbol carrier of the plurality prior to inception of play (Abstract, figs. 2-3, page 2, lines 12-34, page 3, lines 17-22, page 3, line 34-page 4, line 11, and page 6, lines 21-25).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the symbol replacement feature of Wain in Luciano et al. One would be motivated to do so because providing a player the opportunity to rearrange or replace symbols during the game to improve or modify the combination on a winning pay line adds considerably to the entertainment value that can be derived from the gaming machine.

***Allowable Subject Matter***

13. Claims 4, 10-11, 13, 23, 29-30, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4, 13, 23, and 32, although Luciano et al. (U.S. 6,561,512), Korenek (U.S. 5,184,821), and Rayfiel (U.S. 4,732,386) each teach of a plurality of symbol carriers rotating at equidistance from a central axis, the prior art fails to disclose, teach, or suggest that the plurality of symbol carriers rotate around (about) the central axis.

Art Unit: 3713

Regarding claims 10-11 and 29-30, although Luciano et al. discloses paylines can be associated with at least two symbol carriers, Luciano et al. fails to disclose, teach, or suggest having a centrally located symbol carrier or that the paylines also include a centrally located symbol carrier.

***Conclusion***

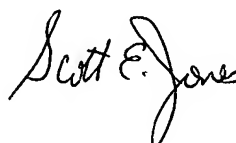
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fey, Marshall, Slot Machines A Pictorial History of the First 100 Years, fifth edition, Korenek '821, Rayfiel '386, Weiss et al. '158, Walker et al. '239, Parfitt '947, Eickershoff '508, Kuhn '895, Moulder '290, Stolper '316, Bary '380, and Klammer '665 teach of wheel or dial type gaming machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones  
Examiner  
Art Unit 3713



sej